



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,672	08/22/2003	Kazuhiro Takahashi	03500.012242.2	8393

5514 7590 12/22/2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

SHERALI, ISHRAT I

ART UNIT PAPER NUMBER

2621

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/645,672	Applicant(s) TAKAHASHI ET AL.	
	Examiner Sherali Ishrat	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 29-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/16/2005, 7/10/2005, 6/22/2005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 29-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Washino et al. (US 5,625,410).

Regarding claim 29 Washino discloses an image capture apparatus (Washino in Figure 7, col. lines 48-52, shows an image capture apparatus i.e camera and PC based image monitoring system) comprising:

an image capture unit that captures image data (Washino in Figure 7, col.6, lines 48-52 shows camera which captures image data); and

a control unit that controls a frame rate and a compression ratio of the image data (Washino in Figure 7, col.6, lines 62-67, and col. 8, lines 48-50, Washino shows graphics processor performs controlling frame rate and compression ratio),

the control unit controls a frame rate and a compression ratio of the

Art Unit: 2621

image data according to a frame rate and a compression ratio selected by a user (Washino in Figure 7, col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows the control unit controls a frame rate and a compression ratio of the image data according to a frame rate and a compression ratio selected by a user).

Regarding claim 30, display unit that displays information indicating the frame rate and the compression ratio selected by the user (Washino in , col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows user selecting frame rate and compression ratio and in col. 7, lines 1-2, Washino states computer software is provided to implement menu driven management of data bandwidth i.e. Washino system therefore has to display [menu driven] frame rate and the compression selected by user).

Regarding claim 31, Wahino discloses recording unit that records the image data (Washino in col. 6, lines 29-33 shows image recording unit).

Regarding claim 32, Washino discloses wireless transmitting unit that transmits the image data by wireless transmission (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Regarding claim 33, Washino discloses display unit that displays information indicating the frame rate and the compression ratio selected by the user (Washino in , col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows user selecting frame rate and compression ratio and in col. 7, lines 1-2, Washino states computer software is provided to implement menu driven management of data bandwidth i.e. Washino system therefore has to display [menu driven] frame rate and the compression selected by user),

Art Unit: 2621

a recording unit that records the image data (Washino in col. 6, lines 29-33 shows image recording unit), and

a wireless transmitting unit that transmits the image data by wireless transmission (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Regarding claim 34 Washino discloses an image capture apparatus (Washino in Figure 7, col. lines 48-52, shows an image capture apparatus i.e camera and PC based image monitoring system) comprising:

an image capture unit that captures image data (Washino in Figure 7, col.6, lines 48-52 shows camera which captures image data); and

a control unit that controls a number of pixels and a compression ratio of the image data (Washino in Figure 7, col.6, lines 62-67, and col. 8, lines 48-50, Washino shows graphics processor performs controlling number of pixels [image size] and compression ratio),

the control unit controls a frame rate and a compression ratio of the image data according to a number of pixels and a compression ratio selected by a user (Washino in Figure 7, col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows the control unit controls a number of pixels and a compression ratio of the image data according to a number of pixels and a compression ratio selected by a user).

Regarding claim 35, display unit that displays information indicating the number of pixels and the compression ratio selected by the user (Washino in , col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows user selecting

Art Unit: 2621

number of pixels and compression ratio and in col. 7, lines 1-2, Washino states computer software is provided to implement menu driven management of data bandwidth i.e. Washino system therefore has to display [menu driven] number of pixels and the compression selected by user).

Regarding claim 36, Washino discloses recording unit that records the image data (Washino in col. 6, lines 29-33 shows image recording unit).

Regarding claim 37, Washino discloses wireless transmitting unit that transmits the image data by wireless transmission (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Regarding claim 38, Washino discloses display unit that displays information indicating the number of pixels [image size] and the compression ratio selected by the user (Washino in , col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows user selecting number of pixels and compression ratio and in col. 7, lines 1-2, Washino states computer software is provided to implement menu driven management of data bandwidth i.e. Washino system therefore has to display [menu driven] number of pixels and the compression selected by user),

a recording unit that records the image data (Washino in col. 6, lines 29-33 shows image recording unit), and

a wireless transmitting unit that transmits the image data by wireless transmission (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Regarding claim 39 Washino discloses an image capture apparatus (Washino in Figure 7, col. lines 48-52, shows an image capture apparatus i.e camera and PC based image monitoring system) comprising:

an image capture unit that captures image data (Washino in Figure 7, col.6, lines 48-52 shows camera which captures image data); and

a control unit that controls a frame rate and a number of pixels of the image data (Washino in Figure 7, col.6, lines 62-67, and col. 8, lines 48-50, Washino shows graphics processor performs controlling frame rate and number of pixels [image size]),

the control unit controls a frame rate and a number of the image data according to a frame rate and a compression ratio selected by a user (Washino in Figure 7, col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows the control unit controls a frame rate and a number of pixels of the image data according to a frame rate and a number of pixels selected by a user).

Regarding claim 40, display unit that displays information indicating the frame rate and the number of pixels elected by the user (Washino in , col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows user selecting frame rate and number of pixels and in col. 7, lines 1-2, Washino states computer software is provided to implement menu driven management of data bandwidth i.e. Washino system therefore has to display [menu driven] frame rate and the number of pixels selected by user).

Regarding claim 41, Wahino discloses recording unit that records the image data (Washino in col. 6, lines 29-33 shows image recording unit).

Art Unit: 2621

Regarding claim 42, Washino discloses wireless transmitting unit that transmits the image data by wireless transmission (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Regarding claim 43, Washino discloses display unit that displays information indicating the frame rate and the number of pixels selected by the user (Washino in , col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows user selecting frame rate and number of pixels and in col. 7, lines 1-2, Washino states computer software is provided to implement menu driven management of data bandwidth i.e. Washino system therefore has to display [menu driven] frame rate and the number of pixels selected by user),
a recording unit that records the image data (Washino in col. 6, lines 29-33 shows image recording unit), and

a wireless transmitting unit that transmits the image data by wireless transmission (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Regarding claim 44 Washino discloses an image capture apparatus (Washino in Figure 7, col. lines 48-52, shows an image capture apparatus i.e camera and PC based image monitoring system) comprising:

an image capture unit that captures image data (Washino in Figure 7, col.6, lines 48-52 shows camera which captures image data); and

a control unit that controls a frame rate, number of pixels and a compression ratio of the image data (Washino in Figure 7, col.6, lines 62-67,

Art Unit: 2621

and col. 8, lines 48-50, Washino shows graphics processor performs controlling frame rate, number of pixels and compression ratio),

the control unit controls a frame rate, number of pixels and a compression ratio of the image data according to a frame rate, number of pixels and a compression ratio selected by a user (Washino in Figure 7, col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows the control unit controls a frame rate, number of pixels and a compression ratio of the image data according to a frame rate and a compression ratio selected by a user).

Regarding claim 45, display unit that displays information indicating the frame rate, number of pixels and the compression ratio selected by the user (Washino in , col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows user selecting frame rate, number of pixels and compression ratio and in col. 7, lines 1-2, Washino states computer software is provided to implement menu driven management of data bandwidth i.e. Washino system therefore has to display [menu driven] frame rate, number of pixels and the compression selected by user).

Regarding claim 46, Wahino discloses recording unit that records the image data (Washino in col. 6, lines 29-33 shows image recording unit).

Regarding claim 47, Washino discloses wireless transmitting unit that transmits the image data by wireless transmission (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Regarding claim 48, Washino discloses display unit that displays information indicating the frame rate, number of pixels and the compression ratio

Art Unit: 2621

selected by the user (Washino in , col. 6, lines 62-67, and col. 8, lines 48-50, Washino shows user selecting frame rate, number of pixels and compression ratio and in col. 7, lines 1-2, Washino states computer software is provided to implement menu driven management of data bandwidth i.e. Washino system therefore has to display [menu driven] frame rate, number of pixels and the compression selected by user),

a recording unit that records the image data (Washino in col. 6, lines 29-33 shows image recording unit), and

a wireless transmitting unit that transmits the image data by wireless transmission (Washino, in col. 3, lines 46-50, shows wireless transmitting unit such as satellite links).

Communication

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherali Ishrat whose telephone number is 571-272-7398. The examiner can normally be reached on 8:00 AM - 4:30PM.

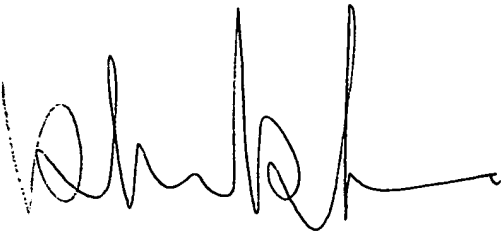
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ishrat Sherali

December 5, 2005



ISHRAT SHERALI
PATENT EXAMINER
ARTUNIT 2621